

# ARKANSAS REGISTER

## Transmittal Sheet

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Statutory Authority for Promulgating Rules \_\_\_\_\_

Rule Title: \_\_\_\_\_

### Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published ..... \_\_\_\_\_

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment ..... \_\_\_\_\_

☐

Other \_\_\_\_\_

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council ..... \_\_\_\_\_

Adopted by State Agency ..... \_\_\_\_\_

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## CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

Phone Number

E-mail Address

Title

Date

**Promulgated by:  
Arkansas National  
Guard**

**Title 6. Education**

**Chapter XVIII. Arkansas National Guard, Department of Military**

**Subchapter A. Generally**

**Part 530. Arkansas National Guard Tuition Waiver Program**

**Subpart 1. Generally**

**6 CAR § 530-101. Purpose.**

This part establishes policy, procedure, and eligibility requirements for administration of the Arkansas National Guard Tuition Waiver Program.

**6 CAR § 530-102. Definitions.**

As used in this part:

- (1) "Airman" or "airmen" means an active member or members of the Arkansas Air National Guard;
- (2) "Education and Incentives Branch" means the Arkansas Army National Guard Education and Incentives Branch, which facilitates processing of both Army and Air National Guard requests after service component verification;
- (3) "Initial active duty training" means completion of basic training or credit for a basic course through the Reserve Officers' Training Corps;
- (4) "Institution of higher education" means any state-supported public institution or a private institution of higher education that is a private, non-profit two-

year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds;

(5) "Institution offering postsecondary credential or certification program" means any state-supported public institution or a private institution that offers a postsecondary credential or certificate programs of study;

(6) "Postsecondary credential or certificate programs of study" means a structured educational program that leads to a recognized credential, such as a degree, certificate, license, or certification. These programs are designed to prepare individuals for high-skill, high-wage employment and are regulated by state agencies to ensure quality and alignment with workforce needs; and

(7) "Soldier" or "soldiers" means an active member or members of the Arkansas Army National Guard.

#### **6 CAR § 530-103. Entitlements.**

(a) The Arkansas National Guard Tuition Waiver, as established by Acts 2017, No. 471, as amended by Acts 2019, No. 535, Acts 2021, Nos. 76 and 133, and Acts 2023, No. 275, Acts 2025, Nos 14 and 826 located in Arkansas Code § 6-60-214, allows all eligible soldiers and airmen (see 6 CAR § 530-201 et seq.) to attend a state-supported institution of higher education, a private institution of higher education that is a private, non-profit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds, or an institution offering postsecondary credential or certificate programs of study, or an institution offering a postsecondary credential or certification program tuition-free.

(b) This benefit will waive tuition for a maximum of one hundred twenty (120) semester credit hours.

(c) The Arkansas National Guard Tuition Waiver can only be used to obtain an undergraduate degree, up to a bachelor's with the exception of section 103(f) below, and cannot be used by soldiers and airmen who have previously been awarded a bachelor's degree.

(d) As funds are available, the cost of a soldier's or airman's mandatory fees charged by an institution of higher education or an institution offering a postsecondary credential or certification program that the soldier or airman is attending may be paid for with funds allocated by the Division of Higher Education for the tuition-free program.

(e) Payment of mandatory fees, if any, will not exceed the actual cost of mandatory fees.

(f) This benefit will waive tuition for an institution offering postsecondary credential or certificate programs of study.

(g) A soldier or airman of the Arkansas National Guard attending a private institution of higher education may receive a tuition benefit under this section up to an amount equal to the amount that the soldier or airman of the Arkansas National Guard would have received under this section if he or she were attending a state-supported college or university. All tuition and fees may not be covered at a private institution.

#### **6 CAR § 530-104. Policy.**

In an effort to improve necessary strength and readiness levels in the Arkansas National Guard, the Arkansas National Guard Tuition Waiver is:

(1) Authorized under state law as a benefit for qualifying soldiers and airmen;  
and

(2) Based on eligibility criteria detailed in Arkansas Code § 6-60-201 et seq., this part, and by the Division of Higher Education.

#### **6 CAR § 530-105. Responsibilities.**

(a) The Division of Higher Education is responsible for:

(1) Coordinating with the Arkansas National Guard regarding rule changes or modifications;

(2) Administering receipt and disbursement of funds to the institutions and maintaining fiscal records of the Arkansas National Guard Tuition Waiver;

(3) Verifying the soldier or airman has submitted the Free Application for Federal Student Aid and the Arkansas Scholarship Application Management System financial aid application;

(4) Approving or denying Arkansas Scholarship Application Management System financial aid applications and submitting results to the:

(A) Arkansas Army National Guard Education and Incentives Branch;

(B) Institution; and

(C) Soldier or airman;

(5) Providing the Arkansas National Guard with eligibility verification for Arkansas National Guard Tuition Waiver criteria as outlined in 6 CAR § 530-201 et seq.;

(6) Defining "mandatory fees"; and

(7) Determining the amount of funds available and the allocation method to pay mandatory fees.

(b) The institution of higher education or an institution offering postsecondary credential or certification program is responsible for:

(1) The institution's Arkansas National Guard Tuition Waiver representative will serve as the liaison between the:

(A) Respective institution;

(B) Education Services Officer; and

(C) Division;

(2) Verifying the soldier or airman is considered by the institution to be in "good standing" and meeting the requirements of satisfactory academic progress as defined in the institution's policies;

(3) Verifying the soldier or airman:

(A) Is enrolled in a program of study that leads to an undergraduate degree or a postsecondary credential or certificate program; and

(B) Does not already possess a bachelor's degree;

(4) Verifying the soldier or airman has applied for institutional grants and scholarships applicable to the soldier's or airman's term and major;

(5) Notifying the division of the application close date and applicable term for institutional grants and scholarships;

(6) Notifying the division of the soldier's or airman's current date of acceptance as a student at the institution;

(7) Notifying the division regarding the status of eligibility and application verification;

(8) Providing to the division a roster of all hours and dollars attributed to this program as well as student completion status at the conclusion of each semester;

(9) Informing the division if the soldier's or airman's academic status changes; and

(10) Applying the Arkansas National Guard Tuition Waiver to student accounts in accordance with the sequence or sequences established in this part.

(c) The Adjutant General is responsible for:

(1) Coordinating with the division in promulgating rules for the implementation of the Arkansas National Guard Tuition Waiver, including without limitation rules for the eligibility of soldiers and airmen; and

(2)(A) Making final decision regarding recoupment of all benefits paid on the soldier's or airman's behalf for reasons including, but not limited to:

(i) Absence without leave;

(ii) Substance abuse violations; or

(iii) Any other serious misconduct.

(B) See 6 CAR § 530-306.

(d) The Education and Incentives Branch is responsible for:

(1) Monitoring and verifying eligibility status of participating soldiers for the Arkansas Army National Guard;

(2) Receiving eligibility verification data from the Arkansas Air National Guard and processing applications of participating airmen in accordance with this part;

(3) Maintaining records or databases, or both, and serving as point of contact for verification and discrepancies for institutions and the division;

(4) Providing the division with a roster of all soldiers and airmen requesting Arkansas National Guard Tuition Waiver for the term;

(5) Reviewing eligibility verification rosters from the division and providing the division with final Arkansas National Guard Tuition Waiver eligibility determinations;

(6) Providing notification of Arkansas National Guard Tuition Waiver ineligibility and exception to policy request procedures to disqualified applicants;

(7) Providing notification of exception to policy request determination to the division and the soldier or airman; and

(8) Educating soldiers and airmen on the process established by the division regarding mandatory fees.

(e) The Arkansas Army National Guard Education Services Officer is responsible for:

(1) Serving as the Adjutant General's delegated proponent for the Arkansas National Guard Tuition Waiver;

(2) Coordinating policy changes with the division;

(3) Coordinating with the division, the institution, and the soldier or airman to resolve any exception to policy requests or grievances;

(4) Processing exception to policy requests in accordance with 6 CAR § 530-301 et seq.; and

(5) Rendering final approval or denial of any soldier's or airman's request for an exception to policy.

(f) The Arkansas Air National Guard representative or representatives are responsible for:

(1) Working directly with the Education and Incentives Branch and Education Services Officer in executing and administering Arkansas National Guard Tuition Waiver for the Air National Guard; and

(2) Maintaining records or databases, or both, and serving as point of contact for verification and discrepancies for institutions and the division.

(g) The soldier or airman is responsible for:

(1) Meeting and maintaining eligibility criteria (see 6 CAR § 530-201 et seq.) and submitting an application (see 6 CAR § 530-301 et seq.) before the deadline date each semester;

(2) Maintaining eligibility criteria established by the institution in which they are enrolled, the Arkansas National Guard, and the division and otherwise successfully completing the semester and all hours for which the tuition waiver is awarded;

(3) Remaining in “good standing” with the institution in which they attend, as defined by that institution;

(4) Achieving and maintaining “satisfactory academic progress” within their degree program, or a postsecondary credential or certification program, as defined by that institution; and

(5)(A) If denied for the Arkansas National Guard Tuition Waiver, the soldier or airman may request an exception to policy through the Education Services Officer if they feel they have extenuating circumstances that were beyond their control or unavoidable.

(B) The exception to policy must be:

- (i) Requested within thirty (30) calendar days of denial; and
- (ii) Processed in accordance with 6 CAR § 530-301 et seq.

## **Subpart 2. Eligibility**

### **6 CAR § 530-201. Eligibility criteria.**

(a) The Arkansas National Guard Tuition Waiver is available to all soldiers and airmen:

- (1) Currently serving in the Arkansas National Guard; and
- (2) Considered at the time of application to meet all eligibility criteria.

(b) A soldier or airman must be an Arkansas resident or eligible for in-state tuition under Arkansas Code § 6-60-205.

(c)(1) A soldier or airman must have completed initial active duty training (basic training or credit for a basic course through the Reserve Officers' Training Corps).



(2) Soldiers and airmen with an exigent circumstance that warrants a temporary waiver of the Initial Active Duty Training requirement may request an exception to policy in accordance with 6 CAR § 530-308.

(d)(1) A soldier or airman must not currently hold a bachelor's or higher degree.

(2) In the event a soldier or airman possesses a credential or degree awarded from a foreign entity, the soldier or airman must first seek evaluation of the degree's equivalency at the institution of higher education.

(3) If the institution of higher education determines, in accordance with its policies and accreditation requirements, the foreign credential does not equate to a bachelor's degree or higher, the soldier or airman may use the National Guard Tuition Waiver in pursuit of a bachelor's degree.

(4) If the institution of higher education determines the foreign credential meets the equivalency requirements of a bachelor's degree, however, the soldier or airman may not use the National Guard Tuition Waiver.

(e)(1) A soldier or airman must be accepted and enrolled in an undergraduate degree-producing program or postsecondary credential or certificate program at an Arkansas state-supported public institution of higher education, a private institution of higher education that is a private, non-profit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds, or an institution offering postsecondary credential or certificate programs of study -recognized by the Division of Higher Education.

(2) See Appendix A.

(f)(1) A soldier or airman must have:

(A) Completed the Free Application for Federal Student Aid;

(B) Completed the Arkansas Scholarship Application Management System financial aid application; and

(C) Applied for grants and scholarships with the institution in which they are enrolled.

(2) Neither selection nor nonselection for receipt of institutional grants and scholarships shall disqualify a soldier or airman from receiving the National Guard Tuition Waiver.

(3)(A) In determining whether a soldier or airman has met the application deadline for institutional grants and scholarships, the application deadline date shall be compared to the soldier's or airman's date of admittance to the institution and the soldier's or airman's date of entry into the Arkansas National Guard.

(B) Institutional grants and scholarships with application periods closing prior to the latter of these dates shall not disqualify a soldier or airman from receiving the National Guard Tuition Waiver.

(C) The soldier or airman must submit federal, state, and institutional financial aid applications in accordance with the timelines established for each of those programs.

(g) A Soldier or airman must be in "good standing" with their enrolled institution and meeting the requirements of "satisfactory academic progress", as defined by that institution.

(h) Soldiers and airmen must remain in "good standing" with the Arkansas National Guard.

**6 CAR § 530-202. Arkansas Army National Guard criteria.**

(a) Soldiers must be considered to be in "good standing" at the time of application.

(b) The Arkansas National Guard Education and Incentives Branch will verify eligibility criteria for all Army soldiers.

(c) Soldiers currently under suspension of favorable actions for, but not limited to, absent without leave infractions, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the National Guard Tuition Waiver.

**6 CAR § 530-203. Arkansas Air National Guard criteria.**

(a) Airmen must be considered to be in "good standing" at the time of application.

(b) The Air National Guard Representative will verify eligibility criteria for each airman through their Unit Commander.

(c) Airmen currently under suspension of favorable actions for, but not limited to, absent without leave infractions, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the National Guard Tuition Waiver.

**6 CAR § 530-204. Eligibility determination and processing.**

(a) For each National Guard Tuition Waiver applicant and term, the Division of Higher Education will provide the status of division and educational institution verified items in the table in subsection (d) of this section to the Arkansas Army National Guard Education and Incentives Branch.

(b) Upon receipt of verification data from the table in subsection (d) of this section from the division, the Education and Incentives Branch will verify service component criteria and provide a National Guard Tuition Waiver eligibility determination to the division and the soldier or airman.

(c) The request timeline for an exception to policy will commence on the date of the Education and Incentives Branch's notification to the soldier or airman.

(d) **National Guard Tuition Waiver eligibility requirements and verification responsibility table.**

<b>Eligibility criteria</b>	<b>Verification responsibility</b>
Arkansas Resident or eligible for in-state tuition	Division of Higher Education
Initial active duty training completion or basic course qualification	Arkansas National Guard
"Good standing" in accordance with Army Regulation or Air Force Instruction	Arkansas National Guard service component representative:

	Education and Incentives Branch Arkansas Army National Guard or Wing National Guard Tuition Waiver Representative: Arkansas Air National Guard
Does not possess a bachelor's degree	Educational institution
Enrollment in a degree producing program	Educational institution
Enrolled in a degree postsecondary credential or certificate program	Educational Institution
Applied for institutional grants and scholarships	Educational institution
Date of acceptance as a student	Educational institution
Date of institutional grants and scholarship application period	Educational institution
Satisfactory Academic Progress	Educational institution
Application submitted through FAFSA	Division of Higher Education
Application submitted through the Arkansas Scholarship Application Management System	Division of Higher Education

### **Subpart 3. Administration**

#### **6 CAR § 530-301. Application process.**

(a)(1) Soldiers and airmen requesting the National Guard Tuition Waiver will obtain the application and statement of understanding through the Arkansas Army National Guard Education and Incentives Branch website.

(2)(A) All applications and statements of understanding must include the soldier's or airman's signature (digital or manual).

(B) Script fonts or other typed signatures are not authorized.

(b) Applications for Army soldiers will be routed to the Education and Incentives Branch for verification of eligibility as listed in 6 CAR §§ 530-202 and 530-204.

(c) Applications for airmen will be routed to the Air National Guard representative for verification of eligibility as listed in 6 CAR §§ 530-203 and 530-204 before processing at the Education and Incentives Branch.

(d) Once verified and approved, applications are submitted to the Division of Higher Education for disbursement of funds to the institutions of higher learning or an institution offering a postsecondary credential or certification program.

#### **6 CAR § 530-302. Submission deadlines.**

(a) Applications must be submitted for each semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which the soldier or airman wishes to receive the National Guard Tuition Waiver.

(b) The National Guard Tuition Waiver may be applied for all semester or other nontraditional subdivided period of study for postsecondary credential or certification programs and intersession courses.

(c) Applications may be submitted up to sixty (60) calendar days prior to the start of the course, but must be submitted no later than thirty (30) days after the start of the course.

(d)(1) Applications received after the deadline date may not be awarded, and therefore the soldier or airman would be responsible for paying tuition to the institution.

(2) An exception to policy can be requested through the Education Services Officer in writing.

#### **6 CAR § 530-303. Authorized uses.**

(a) The National Guard Tuition Waiver will only be awarded for programs leading to an undergraduate degree or a postsecondary credential or certification program.

(b) Eligible soldiers and airmen may use the National Guard Tuition Waiver until completion of a bachelor's degree or for a maximum of one hundred twenty (120) semester credit hours, whichever comes first.

(c) The National Guard Tuition Waiver will only cover tuition and, subject to the availability of funds, mandatory fees.

(d) The soldier or airman is responsible for all other costs, such as mandatory fees not covered by the waiver, additional fees, room and board, textbooks, postsecondary credential or certification test fees, and other expenses.

(e) The National Guard Tuition Waiver will not be applied to courses completed in a prior semester.

(f) Soldiers and airmen enrolled in high school and college concurrently are not eligible for the tuition waiver.

(g)(1) The National Guard Tuition Waiver may be awarded to exclusively online degree programs where the degree-offering institution is associated with a state-supported institution of higher education or a private institution of higher education that is a private, non-profit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds.

(2) The associated state-supported institution must be recognized by the Division of Higher Education as an accredited public institution of higher learning or a private institution of higher education that is a private, non-profit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds, or an institution offering postsecondary credential or certificate programs of study.

(h)(1) The National Guard Tuition Waiver may be used concurrently at more than one (1) institution, provided:

(A) It is in pursuit of a single bachelor's degree or post secondary credential or certificate program; and

(B) Both institutions are National Guard Tuition Waiver-eligible.

(2) Examples include prerequisite or core-level courses at an eligible satellite or community college in addition to a primary campus.

(3)(A) In such cases, the Education and Incentives Branch may coordinate with the institution to confirm eligibility.

(B) Semester hour limits shall include all hours pursued using the National Guard Tuition Waiver at each campus.

(i) The National Guard Tuition Waiver will cover postsecondary credential or certificate tuition and the cost of a soldier's or airman's mandatory fees, subject to the availability of funds, charged by an institution of higher education that the soldier or airman is attending.

(j) The soldier or airman pursuing a postsecondary credential or certificate is responsible for all other costs, such as credential or certification test fees, mandatory fees not covered by the waiver, additional fees, room and board, textbooks, and other expenses.

#### **6 CAR § 530-304. Continuation of eligibility.**

(a)(1) In the event a mobilization or deployment interrupts the enrollment of a soldier or airman currently receiving the National Guard Tuition Waiver, the soldier or airman will remain eligible for a period of time equal to the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which they were enrolled.

(2) It is the soldier's or airman's responsibility to notify the institution, via copies of orders, of mobilization or deployment.

(b) In the event of a nonmedical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the Arkansas National Guard, the soldier or airman is eligible to receive the National Guard Tuition Waiver for the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which they are enrolled at the date of discharge.

(c) In the event of a medical discharge or medical retirement as a result of illness or injury incurred in the line of duty, as the result of a state or federal activation or a terrorist action as determined by the Governor, the soldier or airman is eligible to receive the National Guard Tuition Waiver from the date of discharge or retirement and either until completion of the degree program or postsecondary credential or certification program in which the soldier or airman is enrolled or for five (5) years, whichever comes first.

(d)(1) To maintain eligibility, a soldier or airman must not drop more than six (6) credit hours during a course of study.

(2) However, this does not include dropping classes before the add or drop date.

(3) A course of study is defined as the time during which a student is continuously enrolled in pursuit of a credential.

(4) Eligibility may be maintained if a soldier or airman did not receive NGTW benefit for the dropped courses.

#### **6 CAR § 530-305. Termination.**

(a)(1) If a soldier or airman is dismissed from any institution of higher education or postsecondary credential or certification program for academic or disciplinary reasons or drops a course after the add or drop date that exceeds the cumulative continuation of eligibility limits, the soldier or airman may be:

(A) Ineligible for receiving the National Guard Tuition Waiver; and

(B) Responsible for paying the institution directly for the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which the benefit was received.

(2) It is the soldier's or airman's responsibility to notify the institution, via copies of orders, of mobilization or deployment.

(b) In the event of a nonmedical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the Arkansas National Guard, the soldier or airman is eligible to receive the National Guard Tuition



Waiver for the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which they are enrolled at the date of discharge.

(c) In the event of a medical discharge or medical retirement as a result of illness or injury incurred in the line of duty, as the result of a state or federal activation or a terrorist action as determined by the Governor, the soldier or airman is eligible to receive the National Guard Tuition Waiver for a period of time equal to the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which they were enrolled. AR ARNG's role is only to provide a determination to the ADHE if recoupment is warranted.

(d) If a soldier's or airman's service in the Arkansas National Guard is terminated or becomes unsatisfactory, the soldier or airman will be ineligible for the National Guard Tuition Waiver and subject to recoupment for the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which the soldier or airman became ineligible.

#### **6 CAR § 530-306. Recoupment.**

(a) Recoupment of the National Guard Tuition Waiver is required from soldiers and airmen for the following reasons:

- (1) Fraud or misrepresentation of the application;
- (2) Failure on the part of the soldier or airman to complete the semester or other nontraditional subdivided period of study for postsecondary credential or certification programs for which the benefit was awarded;
- (3) Failure to maintain eligibility status with the Arkansas National Guard for the entire semester or other nontraditional subdivided period of study for postsecondary credential or certification programs in which the National Guard Tuition Waiver was awarded; or
- (4) Identification of courses dropped after the add or drop date in excess of the six (6) credit hours allowance in 6 CAR § 530-304(d) unless the soldier or airman did not receive the National Guard Tuition Waiver benefit for the dropped courses.

(b) Recoupment may be collected by the respective institution in which the soldier or airman is enrolled or by the Division of Higher Education if funds were already paid on the soldier's or airman's behalf.

(c)(1) The Adjutant General may initiate recoupment of all funds paid on a soldier's or airman's behalf using the National Guard Tuition Waiver when the soldier or airman engages in misconduct or fails to remain a satisfactory participant in active drilling status with the Arkansas National Guard (as defined in Chapter 11 and Chapter 12 of Army Regulation 135-178 and Air Force Instruction 36-3208 and 3209 that governs misconduct).

(2) Any funds recouped will be returned to the State of Arkansas.

#### **6 CAR § 530-307. Restoration of eligibility.**

(a)(1) Soldiers and airmen ineligible for National Guard Tuition Waiver due to a suspension of favorable actions as outlined in 6 CAR § 530-202(c) and 6 CAR § 530-203(c) remain ineligible for the waiver for the duration of the suspension.

(2) Subject to remaining eligibility requirements, the soldier or airman is eligible for the National Guard Tuition Waiver in the first term (semester or intersession or other nontraditional subdivided period of study for postsecondary credential or certification programs) that commences following removal of the suspension.

(b) Soldiers and airmen ineligible for the National Guard Tuition Waiver due to any other reason, including but not limited to satisfactory academic progress and institutional good standing, may submit a written request for an exception to policy in accordance with 6 CAR § 530-308.

#### **6 CAR § 530-308. Exceptions to policy.**

(a) In the event a soldier or airman is denied for the National Guard Tuition Waiver, has benefits terminated, or is ordered to repay benefits pursuant to the provisions of this part, the soldier or airman may appeal any such action to the Education Services Officer, in writing, within thirty (30) calendar days from the date of termination, recoupment, or denial.

(b) The Education Services Officer will serve as the Adjutant General's delegated approval authority for the National Guard Tuition Waiver exception to policy requests of soldiers and airmen in both the Arkansas Army and Air National Guard.

(c)(1) Exceptions to policy may be requested by soldiers and airmen, in writing, to the Education Services Officer.

(2) In order for the exception to policy to be considered they must include, at a minimum, the following information:

(A) Name of soldier or airman and unit or wing of assignment;

(B) Institution of higher education or postsecondary credential or certification program name and location;

(C) Semester year and month or other nontraditional subdivided period of study for postsecondary credential or certification programs in question; and

(D) Reason for request that indicates that the situation was not:

(i) Due to the negligence or fault of the soldier or airman; and

(ii) Within the soldier's or airman's reasonable control.

(d) The Education Services Officer will:

(1) Review the exception to policy request;

(2) Coordinate with the institution and the Division of Higher Education to resolve the exception to policy; and

(3) Provide written notification to the soldiers and airmen and the division of the final disposition.

(e)(1) In the event a soldier's or airman's degree program exceeds the one hundred twenty (120) semester credit hour limitation established in 6 CAR § 530-303(b), an exception to policy request must also include documentation verifying the pursued degree's program requirements and the soldier's or airman's satisfactory progress towards the degree.

(2) This documentation will include, at a minimum, a:

(A) Degree plan validated by the soldier's or airman's:

(i) Academic advisor;

(ii) School registrar; or

(iii) Similar authority; and

(B) Copy of the soldier's or airman's transcript through the date of the exception to policy request.

(3)(A) For purposes of this section, a soldier or airman may submit unofficial transcripts to the Education and Incentives Branch.

(B) The Education and Incentives Branch, though, reserves the right to request official transcripts for verification if the submitted documents are illegible or present any suspicion of tampering, alteration, or unauthorized modification.

(4)(A) The Education Services Officer will review the submitted exception to policy request, transcripts, and degree plan before submitting a recommendation for continued National Guard Tuition Waiver eligibility beyond one hundred twenty (120) semester credit hours to the division.

(B) Areas of review will, at a minimum, include:

(i) The soldier's or airman's history of remedial courses;

(ii) Courses failed or dropped after the add or drop date; and

(iii) The soldier's or airman's overall academic progress towards the degree.

(5)(A) The Education Services Officer may deny the exception to policy request or recommend approval to the division.

(B) In these instances, only the division may grant approval for continued use of the National Guard Tuition Waiver beyond one hundred twenty (120) semester credit hours.

(f)(1) Continued eligibility for the National Guard Tuition Waiver beyond one hundred twenty (120) semester credit hours as outlined above is subject to the availability of funds and approval of the division.

(2) Soldiers and airmen with a degree program exceeding one hundred twenty (120) semester credit hours must submit an exception to policy request in each subsequent term until degree completion unless otherwise approved in writing by the division.

**6 CAR § 530-309. Duplicate sources of funding.**

(a) Other sources of funding may be used in addition to the National Guard Tuition Waiver.

(b) Federal and state grants and scholarships awarded to soldiers and airmen via Free Application for Federal Student Aid (FAFSA) and Scholarship Application Management System applications will be applied to tuition before the National Guard Tuition Waiver is applied.

(c) Grants and scholarships awarded by the institution in which the soldier or airman is enrolled will be applied toward tuition before the National Guard Tuition Waiver is applied.

(d)(1) Soldiers and airmen may, but are not required to, use the National Guard Tuition Waiver simultaneously with the GI Bill (all chapters) and the Kicker.

(2) The National Guard Tuition Waiver will be applied to tuition before GI Bill funds are applied.

(e)(1) Soldiers may, but are not required to, use federal tuition assistance with the National Guard Tuition Waiver.

(2) Federal tuition assistance here refers to Federal Tuition Assistance programs established by the United States Department of Defense for the sole benefit of soldiers.

(3) It does not include FAFSA funds, which must be applied as outlined in subsection (b) of this section, above.

(f)(1) The National Guard Tuition Waiver used within a term will apply to all courses enrolled for that term or other nontraditional subdivided period of study for postsecondary credential or certification programs, excluding those dropped before the institution's add or drop date.

(2) All such course enrollments for that term or other nontraditional subdivided period of study for postsecondary credential or certification programs will count toward the one hundred twenty (120) credit hour National Guard Tuition Waiver limit.

## **Appendix A. Accredited Institutions of Higher Education**

**Link:**

**<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/22/6CARpt.530Appendix.pdf>**

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** Arkansas Department of the Military

**BOARD/COMMISSION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** Bryan Christian, Chief Legal Counsel

**TELEPHONE NO.** (501) 435-2424 **EMAIL** bryan.christian@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** Arkansas National Guard Tuition Waiver Program

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes ☐ No ☒
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes ☒ No ☐
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐  
  
If no, please explain:  
  
(a) how the additional benefits of the more costly rule justify its additional cost;  
  
(b) the reason for adoption of the more costly rule;  
  
(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and  
  
(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.
  
4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:  
  
(a) What is the cost to implement the federal rule or regulation? Not Applicable

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ 0.00 \_\_\_\_\_

**Next Fiscal Year**

\$ 0.00 \_\_\_\_\_

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0.00 \_\_\_\_\_

**Next Fiscal Year**

\$ 0.00 \_\_\_\_\_



7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(c)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.